

1 Minutes of the Special Meeting of the City Council held August  
2 29, 1988 at 7:00 a.m. in the Planning Conference Room, Bountiful,  
3 Utah.

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5 Present: Mayor: Dean S. Stahle  
6 Councilmembers: C. Harold Shafter, Barbara Holt,  
7 and Robert Gramoll  
8 City Manager: Tom Hardy  
9 Asst. City Attorney: Russell L. Mahan

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11 Official notice of this meeting had been given by posting a  
12 written notice of same and an agenda at City Hall and providing  
13 copies to the following newspapers of general circulation: Deseret  
14 News, Salt Lake Tribune and Davis County Clipper.

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16 Mayor Stahle called the meeting to order at 7:03 a.m. and then  
17 turned the time over to Russell Mahan, Assistant City Attorney, to  
18 discuss the only item of business, that being approval of a  
19 quitclaim deed to settle a lawsuit against the City.

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21 Mr. Mahan explained that there is a factual dispute about the  
22 property boundaries on a piece of property along Mill Creek east of  
23 500 West on the property owned by Larry and Iris Young. The  
24 property owners contend that the property boundary is to the center  
25 line of the creek, and that the center line of the creek has moved  
26 with time considerably south, resulting in additional property for  
27 them. The City's description is in conflict with this claim. Mr.  
28 Mahan explained that in order to settle the lawsuit, the City is  
29 willing to quitclaim their property in dispute to the Youngs in  
30 exchange for an easement granted in favor of the City by the Youngs  
31 on the property on which the fence and flood control channel is  
32 located.

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34 Councilman Shafter asked if the flood control channel access  
35 would be hindered in any way. Mr. Mahan explained that the City has  
36 access from several other different points to maintain the creek  
37 channel. Councilman Gramoll questioned whether or not the City had  
38 easements along other areas of the creek channels throughout the  
39 City. Mr. Hardy responded that there are few areas where the City  
40 has a formal easement, with most property boundaries being described  
41 to the center line of the creek. However, the fact that the  
42 property is under title to the property owner does not relieve the  
43 property owner of the responsibility of providing for the conveyance  
44 of water through his property without harming his neighbors  
45 downstream. That being the case, the City has obtained a few  
46 easements throughout the flood control channels in the City.

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48 Councilman Shafter made a motion that the Mayor be authorized  
49 to sign the quitclaim deed to settle the lawsuit. The motion was  
50 seconded by Councilman Gramoll, and the vote on the motion was  
51 unanimous. There being no further business to discuss, the meeting  
52 adjourned at 7:25 a.m.

53 /Tom Hardy, City Manager

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CITY RECORDER \* \* \* \* \*